

**INTERIM REPORT OF THE  
2005-2006 GRAND JURY  
SAN BERNARDINO COUNTY  
March 2, 2006**

**AND YOU THOUGHT "IN-N-OUT"  
WAS A HAMBURGER!**

**BACKGROUND**

For over 10 years, the County Board of Supervisors has been well aware of the severe shortage of available jail space to house San Bernardino County criminals. In 1995 the Board of Supervisors authorized a Staffing Analysis Study completed by Liebert & Associates from Boulder, Colorado. At that time it was recommended to not only increase jail staffing, but emphasized that housing was precariously close to maximum capacity and should be increased as well.

**FINDINGS**

In 2005 there were a total of **110,537** bookings made by law enforcement agencies in San Bernardino County. Of those, **42,240** or nearly **40 percent** of sentenced and pre-sentenced criminals were quickly released back into our communities because our jails were at capacity and their crimes were considered to be non-violent misdemeanors or felonies; crimes such as driving under the influence, burglary, grand theft auto, just to name a few. On average, one criminal was released every **13 minutes** in 2005 due to a lack of jail space. Therefore, in less than the amount of time it takes you to get a hamburger at IN-N-OUT, another criminal who should be in custody has been released from a San Bernardino County jail. **IN-N-OUT!**

Until the recent opening of the Adelanto Detention Center in January 2006, housing capacity had not been increased, and staffing was only added to accommodate the opening of the Adelanto facility itself. Even with this welcomed addition, it took less than 30 days to again reach capacity in San Bernardino County jails. In addition, the governor currently has put forward a proposal that would house parole violators in county jails, which will only exacerbate the problem in this County. During the past ten years, the County population has increased well over 20 percent, and with the current housing development taking place, it is estimated to increase by at least 15 percent in the next ten years. There is not enough jail space in San Bernardino County and, as a result, the Sheriff is forced to approve early release to many of those who are arrested or currently in jail.

During just a 15 day span in December 2005, one individual was involved in grand theft auto on five separate occasions, booked at the West Valley Detention Center and, in the first four thefts, was released within 12 hours in each case. In the fifth incident there was a high-speed pursuit which resulted in a collision, and the individual was finally held in jail.

On July 24, 2005, another individual, arrested for his fourth DUI in four years, was also booked and released at West Valley, but with very tragic results. Two innocent Moreno Valley teenagers were killed by this individual as he drove on the 215 freeway in the wrong direction, resulting in a head-on collision. This incident occurred less than 30 days after his last "misdemeanor" release.

If you're not yet moved to action, consider the **140,000** current outstanding warrants in the County, over **14,000** of which are felony violations. Before the Sheriff and District Attorney can join forces to get these bad guys off the street, they must have a place to incarcerate them. Until then, these bad guys are **OUT-N-NEVER IN!**

An agreement with the United States Federal Marshal's Service, approved by the County Board of Supervisors in 1999, requires that the County house **320** Federal prisoners. Presently, there are over **500** Federal prisoners in San Bernardino County jails. In addition, on any given day, there are approximately **700** illegal aliens occupying space in our County jails. In late 2005, nine (9) new positions were authorized by the Board of Supervisors for the Sheriff to identify illegal aliens who are in custody. However, a delay by Immigration & Customs Enforcement (ICE) in providing the necessary computer networking to interface with the Sheriff's computer system has placed this project on hold.

Before you condemn the Sheriff for letting these criminals out, consider the obstacles he faces daily. The four functioning jails in San Bernardino County (West Valley Detention Center, Glen Helen Rehabilitation Center, Central Detention Center and Adelanto Detention Center) are capable of housing 5,840 inmates. These jail facilities are full! Temporary housing (72 hours or less), utilized for booking and court appearances ONLY, are available at the Victor Valley Sheriff's Station (90), Barstow Sheriff's Station (48), Morongo Valley Station (42), Colorado River Station (36) and the Big Bear Sheriff's Station (22).

Compounding the Sheriff's problem is a 1998 Federal court ruling, referred to as the "Haas Decision", which mandated that when the West Valley or Glen Helen facilities reach 90 percent capacity, a release "process" must begin to avoid overcrowding. The current "process" allows the early release of any arrestees not involved in a weapons charge and some felony or violent crimes, and any who have a bail schedule of less than \$150,000. Thus, burglars, car thieves, DUI's and many arrested for drugs are selectively released to make room for felony and violent offenders. **IN-N-OUT!**

In 2001, the County purchased land in Apple Valley for the construction of a juvenile detention facility and a 3,072 bed adult jail facility, similar to the West Valley Detention Facility. As of today, no adult facility has been constructed!

## **RECOMMENDATIONS**

1. EXPAND THE GLEN HELEN REHABILITATION CENTER TO ADD 500 BEDS.
2. EXPAND THE ADELANTO DETENTION CENTER TO ADD 700 BEDS.
3. REDUCE THE NUMBER OF FEDERAL PRISONERS IN COUNTY FACILITIES TO 320 TO CONFORM TO THE AGREEMENT WITH THE UNITED STATES FEDERAL MARSHAL'S SERVICE.
4. DO NOT RENEW THE AGREEMENT WITH THE UNITED STATES FEDERAL MARSHAL'S SERVICE WHEN IT EXPIRES IN 2009.
5. RETURN ALL ILLEGAL ALIEN INMATES HELD IN COUNTY FACILITIES TO THE IMMIGRATION & CUSTOMS ENFORCEMENT.
6. IMMEDIATELY CONSTRUCT A NEW ADULT JAIL FACILITY ON THE LAND PURCHASED IN APPLE VALLEY.